

DETERMINATION

Case reference: ADA 2691

Referrer: A parent

Admission Authority: The Governing Body of Chorlton High School,
Manchester

Date of decision: 16 September 2014

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body for Chorlton High School, Manchester for admission in September 2015. I determine that they do not conform with the requirements relating to admission arrangements.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

The referral

1. An objection to the admission arrangements (the arrangements) for Chorlton High School, (the school) an 11 to 16 academy school in the Manchester local authority (the LA) area for September 2015 was received on 30 June 2014. The referral concerns the oversubscription criterion which gives priority to children who *"attend a Manchester LA maintained primary school or other state-funded school or academy."* This objection was withdrawn on 4 July 2014.

Jurisdiction

2. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing body on behalf of the academy trust, which is the admission authority for the school, on that basis. The objection was withdrawn on 4 July 2014. By that time I had looked at the arrangements and considered there may be matters that do not conform with the requirements relating to admission arrangements. As the arrangements have been brought to my attention I have used my power under section 88I(5) of the Act to consider the arrangements as a whole.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a) the letter of referral dated 30 June 2014 and withdrawal of the objection on 4 July 2014;
 - b) the school's response to the referral and associated documents dated 21 July 2014;
 - c) the LA's response to the referral and associated documents dated 19 August 2014
 - d) the LA's composite prospectus for parents seeking admission to schools in the area in September 2014;
 - e) a copy of the funding agreement for the academy;
 - f) confirmation of when consultation on the arrangements last took place;
 - g) copies of the minutes of governing body meetings of the 5 February 2013 and 10 December 2013 at which the arrangements were discussed;
 - h) copies of the minutes of the meeting of 1 April 2014 at which the governing body determined the arrangements;
 - i) a copy of the determined arrangements; and
 - j) a previous adjudication published in October 2011.

Background

5. The school became an academy on 1 January 2013. It is an 11-16 mixed comprehensive school which was previously a community school maintained by the LA. In September 2013 it was over-subscribed for admissions to year 7 (Y7).
6. Prior to becoming an academy, the school's admission arrangements were determined and administered by the LA. These arrangements were in place for admissions up to September 2014.
7. Under the academy agreement the governing body became the admission authority for the school in January 2013. In December 2013 the governing body was advised by the LA that, although they wished to follow the LA's arrangements, they would need to produce independent determined arrangements for admissions in September 2015.

8. Following discussion at meetings of the governing body the proposed arrangements were circulated for consultation as required by the Code. The consultation period was arranged from 6 January 2014 to 28 February 2014. Five responses were received during the consultation including one from the LA. All five responses were positive and agreed with the arrangements. The arrangements were finalised and duly determined by the governing body at a meeting on 1 April 2014 and they were published on the school website.
9. The published admission number (PAN) for entry to Y7 is 300 and this has been the PAN for a number of years.
10. Where there are more applicants than places available the arrangements use the following oversubscription criteria to prioritise offers of places in Y7;

Category 1 - children who are looked after by a Local Authority and children who were previously looked after by a Local Authority. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order);

Category 2 - children with exceptional medical/social needs;

Category 3 - children with a sibling at the school;

Category 4 - children who attend a Manchester LA maintained primary school or other state-funded school or academy;

Category 5 – all other children

Within each category applicants are prioritised according to distance between the child's home address and the school. The arrangements provide definitions for categories two and three.

Consideration of Factors

11. I have considered the arrangements as a whole, beginning with the matter that brought the arrangements to my attention. At point 1.2 of the introduction to the arrangements it states that "*The Governing Body of Chorlton High School is committed to comprehensive education and works in close partnership with Manchester Local Authority's (LA) Coordinated Admissions Scheme*".
12. It is clear from the minutes of the governing body meetings and from the statement from the headteacher that the governors acted in good faith in trying to ensure that the arrangements are maintained in line with those of the LA so that arrangements across the city are fair and equitable for all.
13. The school wishes to retain as much of the LA's arrangements as possible. For maintained schools within the LA, oversubscription

criterion 4 reads “*children who attend a Manchester LA maintained primary school or academy*”. The LA cited a previous objection to the Office of the School Adjudicator (OSA) which challenged this criterion within the LA’s arrangements. Each case must be considered independently by the OSA against the legislation and Code that is currently in force. The previous determination, published in October 2011 was made under the previous Code.

14. Paragraph 1.9b of the Code that came into force in February 2012 states that “...*arrangements must not take into account any previous schools attended, unless it is a named feeder school*”. The Code sets the terms for a feeder school criterion at paragraph 1.15; “*Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable grounds.*”
15. In the school’s arrangements criterion 4 reads; “*children who attend a Manchester LA maintained primary school or other state-funded school or academy*”. The arrangements do not name any feeder school. If the school wishes to name one or more feeder schools the choice of a school or schools must meet the requirement to be made on transparent and reasonable grounds. It is not acceptable to name a type of school.
16. The school’s arrangements do not conform with the Code in this respect and they require amendment.
17. I need to draw the attention of the governing body to two other matters within the arrangements;
 - i. the arrangements explain that within each category of oversubscription, distance between the school and the home address of the applicant will be used. It does not contain a final tie breaker which would be used if two applicants were found to be equi-distant from the school. This does not conform with paragraph 1.8 of the Code which states that “*Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated*”. This element of the arrangements requires amendment; and
 - ii. the published arrangements for admission in September 2015 record the PAN for “*2015/16 academic year* “ but contain the following references;
 - page 3 and 9 “*the closing date for applications will be 31 October 2015*”
 - page 3 “*parents will be notified of the outcome of the application process by 1 March 2016*”
 - page 9 “*late submissions will only be considered up to the 12*

November 2015”

- page 9 *“application received after the 1 March 2016*”

These references to October and November 2015 and March 2016 are inaccurate for arrangements for admission in September 2015 and would be unclear and confusing to parents. The arrangements require amendment in this respect.

Conclusion

18. I am of the view that the governing body has followed the procedures of consultation, determination and publication of the arrangements for admission to the school in September 2015 in line with the Code.
19. The arrangements do not comply with the Code in terms of the criterion relating to taking into account the previous school attended and feeder primary schools, the absence of a tie breaker and the incorrect dates for the implementation of the arrangements. Each of these elements requires amendment.

Determination

20. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body for Chorlton High School, Manchester for admission in September 2015. I determine that they do not conform with the requirements relating to admission arrangements.
21. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 16 September 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys